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February 22, 2019

**By ECF**

Hon. Kenneth M. Karas  
The Hon. Charles L. Brieant Jr. United States Courthouse  
300 Quarropas St., Chambers 533  
White Plains, NY 10601-4150

*Re: T.E. v. Pine Bush Cent. Sch. Dist., 12-CV-2303(KMK)(PED)*

Your Honor:

We represent plaintiffs in the above-captioned matter. The following is our response to the comprehensive report from defendant Pine Bush Central School District, including the results of the District's survey, administered pursuant to the Settlement Agreement. Dkt. #190 (the "Report").

We share the District's goal of a "school climate that is fully free from all harassment and bullying based on race, ethnicity and ancestry, including anti-Semitism." *Id.* 16. We also agree with the District that "results" are "important," *id.* 3, and that "further improvement" is needed to address anti-Semitism in the District, *id.* 16. The District's own survey makes plain that dramatic improvement is required.

The District developed its 2018 survey in consultation with, *inter alia*, the Anti-Defamation League. Dkt. #149-2 at Ex. 1 § VIII. The survey, entitled "School Climate Student Questionnaire 2018-19," received responses from 2,300 students in Crispell Middle School, Circleville Middle School, and Pine Bush High School. Dkt. #190, Appendix 9. Though (as set forth in the Report) the District has made a number of efforts to address pervasive anti-Semitism in its schools, the survey results are troubling in multiple respects.

First, as reported in Question #6, 31.61% of students agreed or strongly agreed that "Since September 2017, students in our school have heard anti-Semitic slurs, observed inappropriate actions in conjunctions with anti-Semitic epithets, or observed swastikas in our buildings." Dkt. #190 at 191 (Appendix 9 at 6). That percentage represents 727 students.

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Second, as reported in Question #14, “since September 2017,” 33.3% of students “sometimes,” “often” or “frequently” have “heard anti-Semitic slurs, Holocaust ‘jokes,’ the word ‘Jew’ in a pejorative sense, or white power chants, seen Hitler salutes, other students throwing pennies or observed swastikas in your school.” Dkt. #190 at 199 (Appendix 9 at 14). That represents 766 students. One hundred thirteen of those Pine Bush students “frequently” witnessed or experienced overt anti-Semitic conduct. An additional 28.61% of students witnessed or experienced overt anti-Semitic conduct in school, if only “rarely.” In all, since September 2017, an astonishing 61.91% of District students in these three schools personally witnessed or experienced overt anti-Semitic conduct in school. That percentage reflects 1,424 of 2,300 Pine Bush students surveyed.<sup>1</sup>

The anonymous student comments in response to Question #18 are equally distressing. *See* Appendix 9 at 18-39; *see, e.g.*, comments 18, 55, 57, 58, 69, 181, 197, 238, 304, 363, 369, 431, 438, 490, 508, 531, 551, 574, and 575 (quoted in the sealed letter submitted on October 31, 2018). This litany does not include comments concerning other racism among students in the District. *See, e.g.*, comments 32, 10, 173, 200, 201, 252, 279, 429.

Notwithstanding the District’s rosy summary, plainly there remains a shocking amount of overt anti-Semitism in the District. Substantial work remains to be done.

The District must redouble its efforts, and report its survey results in a year to plaintiffs and the Court. For the sake of Pine Bush students, especially victims of anti-Semitic bullying, we would hope and expect dramatic improvement by fall 2019.

Respectfully submitted,

/s/ Ilann M. Maazel

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<sup>1</sup> In addition, as reported in Question #16, 63.61% of students “sometimes,” “often” or “frequently” “overheard . . . offensive slurs, jokes, [or] stereotypic remarks at school” since September 2017. Dkt. #190 at 201 (Appendix 9 at 16).